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VIA HAND DELIVERY

James Burtle, Chief  
Office of Engineering and Technology  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: Interference Complaint, Ambient Corporation  
Broadband Over Power Line System at Briarcliff Manor, NY  
(ET Dkt No. 04-37)

Dear Mr. Burtle:

This is in response to the letter addressed to you and others at the FCC, dated January 5, 2006, from Christopher D. Imlay, on behalf of ARRL.

As the FCC can document from its records, Ambient Corporation ("Ambient") has been conducting testing at a site in Westchester County, NY pursuant to FCC granted Part 5 Experimental authorizations, most recently pursuant to its experimental license, WD2XEQ. The purpose of this testing, as is evident from our prior filings, has been to develop proprietary technology to enable broadband access to high speed Internet services and utility applications via broadband over power line technologies.

Under the framework of its Experimental License, Ambient continues to develop and test methods for enhancing the performance of its BPL systems and to monitor and adjust the parameters of its test facilities to be responsive to the concerns of the amateur radio operators consistent with its obligations under its Experimental License.

Ambient is continuing testing operations on underground distribution plant in the Westchester County area in addition to on-going testing of overhead plant.

Ambient has made advances in its software and hardware to develop new generations of products which fully address all applicable regulatory requirements. It is continuing to make improvements in compliance with applicable radiated emission limits upon power-up following a fault condition or during start-up operation after a shut-off procedure, to immediately restore previous settings.

As previously reported to the Commission, Ambient has developed capabilities to notch out signals on Amateur bands, demonstrating significant advancements in its technology over the relatively short time period of its test program. These bands include the following Amateur Radio bands: 80, 40, 30, 20, 17, 15, 12 and 10 meters: 3.5-4 MHz, 7-7.3 MHz, 10.1-10.15 MHz, 14.0-14.35 MHz, 18,068 -18,168 MHz, 21-21.45 MHz; 24,890-24,990 MHz, and 28.0-29.7 MHz. Also, the Ambient frequency plan was modified to comply with excluded bands of operations according to Table 1 of the FCC Part 15, Subpart G Rules.

On January 27, 2006, Ambient personnel made EMI measurements at several locations in Briarcliff Manor, NY. The results show that contrary to ARRL claims, the "notching" in the majority of amateur bands is in place. It also discovered that due to a software error, incurred in recent upgrades, the "notching" in 18.068 – 18.168 MHz was shifted to the low edge, so, necessary corrections were immediately implemented.

Ambient is continuing to design for the 2<sup>nd</sup> generation technology and periodically is upgrading its software and hardware. These upgrades will provide much better capabilities for clean and effective "notching", compared to the current design equipment. In order to protect against possible unanticipated software or hardware problems while its transition to 2<sup>nd</sup> generation technologies is taking place, Ambient personnel have implemented new procedures to ensure that adequate notching is in place going forward.

Ambient also put in place last November procedures to give prior notification to and to consult with public safety users in the areas where it has deployed its Experimental test systems including in areas like Briarcliff Manor where it has been conducting longstanding trials under its Experimental License.

In response to ARRL's frivolous complaint that somehow Ambient is in violation of Condition # 7 in its Experimental License, Briarcliff Manor is clearly not a "new city." Contrary to ARRL's claims, notifications with respect the location of Experimental operations are covered under the specific terms of its Part 5 license, not Section 15.615 of the FCC's rules. In any event, ARRL already has access to the extensive data which the FCC compiled regarding Ambient's experimental operations in the Briarcliff Manor area.

We strongly object to ARRL's arguments claiming that all signals from power line sources adjacent to our Access BPL system which ARRL has detected in its testing automatically must be considered "harmful interference" as defined in Section 15.5 of the FCC's rules.

Finally, we also urge the FCC to deny the ARRL Petition for Reconsideration filed February 7, 2005 and to dismiss its recently filed companion pleading, Petition for Issuance of Further Notice of Proposed Rulemaking and for Amendment of Regulations, filed October 18, 2005. It seems self evident that ARRL is attempting, by making filings with respect to our experimental operations, to halt or at least to discourage the efforts of companies like Ambient to develop and to deploy advanced technologies in compliance with the FCC's new access BPL rules. The fact that ARRL disagrees with significant aspects of the FCC's current rules does not justify this improper use of the FCC's complaint procedures.

We request that the FCC dismiss or deny ARRL's January 5 letter for all of the reasons presented here.

Respectfully submitted,



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